UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,000	04/16/1999	SCOTT D. REDMOND	UNIFREE-97.0	6702

7590   03/28/2003

TRANZ-SEND BROADCASTING NETWORK
601 VAN NESS
SUITE E-344
SAN FRANCISCO, CA 94102

EXAMINER
MARCELO, MELVIN C

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		**Applicant(s)**
Office Action Summary		09/295,000		REDMOND, SCOTT D.
		Examiner		**Art Unit**
		Melvin Marcelo		2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6,7* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: the brief

description of the drawings fail to mention Figure 6A.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Monteiro et al. (5,778,187) in view of Schulhof et al. (5,841,979).

Monteiro teaches the file distribution server system (Figure 1) comprising a

media file database (stored audio for later playback in column 4, lines 25-56) in

communication with a plurality of user systems over the Internet network (column 3,

lines 55-59). Monteiro teaches receiving the plurality of transmission requests from a

plurality of user systems (column 5, line 57 to column 6, line 55), the transmission

protocols of the plurality of user systems (column 11, line 46 to column 12, line 8) and

status information from the network (changes in network conditions in column 7, lines

12-19, and Ping Objects to verify active status in column 15, line 65 to column 16, line

2). Further, Monteiro optimally simultaneously transmit the media file to each user

system based on the transmission protocols and status information (real-time in column 2, lines 13-16).

Monteiro does not teach a precompressed and pre-encrypted media data file archive. Monteiro teaches that their compression is done on the fly (column 5, lines 5-14), but that the compression techniques used are not critical to their system and other techniques with their advantages could also be used (column 5, lines 19-30). Schulhof teaches a different technique, wherein audio files are precompressed and pre-encrypted for storage in a media data file archive prior to distribution (column 4, lines 3-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to alternatively precompress and pre-encrypt the media files as taught by Schulhof in Monteiro's file distribution server system since Monteiro suggests using alternative compression techniques.

With respect to claim 2, Monteiro teaches the plurality of server systems geographically remote from each other (column 3, lines 17-29).

With respect to claim 3, Monteiro teaches the status signal reflecting the operational parameters of the system (column 15, line 61 to column 16, line 2).

With respect to claim 4, the file distribution server system includes a network interface in order to communicate over the Internet.

With respect to claim 5, Monteiro teaches the signals indicative of the transmission speed (column 7, lines 32-44).

With respect to claim 6, see Monteiro column 1, lines 5-14.

With respect to claim 7, Monteiro teaches the advertisement data and plug-in archive database comprising one or more programs related to the media data file (column 4, lines 8-17, wherein the supplemental information is either inherently or obviously stored in a database prior to transmission since such information would have been created beforehand in order to conform to the audio file).

With respect to claim 8, it would have been obvious to compress the data file using MPEG since a skilled artisan would have been motivated to use a standardized compression algorithm in order to be compatible with other's software and hardware systems.

With respect to claim 9, the decompression of the data file occurs at the user's computer (column 5, lines 14-18), wherein the user software is downloaded from the network (column 13, lines 10-14). Thus, the file distribution server transmitted the decompression algorithm to the user.

With respect to claim 10, media files are stored in both Monteiro and Schulhof.

With respect to claim 11, the Internet is a TCP/IP based network.

With respect to claim 12, see Monteiro column 2, lines 11-22.

With respect to claim 13, Monteiro teaches a hard disk device (column 4, lines 50-52).

With respect to claims 14-17, the multicast and unicast transmission of packets is taught by Monteiro (column 6, lines 6-55).

4.   Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Monteiro et al. and Schulof et al. as applied to claims above, and further in view of

Walker et al. (4,991,208).

Schulhof does not teach any particular encryption technique. Thus, a skilled

artisan would have been motivated to use prior art encryption techniques in combination

with Schulhof's teaching to precompress and pre-encrypt. A prior art encryption

technique is taught by Walker (4,991,208). Walker's encryption technique includes an

encryption key data base (column 2, lines 34-48) and a de-encryption key provided to

the user and used to interrupt access of the media data file and automatically initiate

communication with the server system for validation (column 4, lines 10-25). Therefore,

it would have been obvious to use a prior art encryption technique such as taught by

Walker in the combination of Monteiro and Schulhof since a skilled artisan would have

been motivated to use prior art encryption techniques that are readily available, rather

than consume more time in inventing a novel encryption technique.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Melvin Marcelo whose telephone number is 703-305-

4373. The examiner can normally be reached on Monday-Friday, 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9314

for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

4700.

Melvin Marcelo
Primary Examiner
Art Unit 2663

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March 24, 2003